



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4

ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

APR 10 2014

CERTIFIED MAIL 7012 1010 0002 0759 7066
RETURN RECEIPT REQUESTED

Ms. Glenda L. Dean
Water Director
Alabama Department of Environmental Management
1400 Coliseum Boulevard
Montgomery, Alabama 36130

Re: Notice of Violation No.: 309-2014-06
National Pollutant Discharge Elimination System Permit No.: AL0022209
City of Phenix Department of Public Utilities

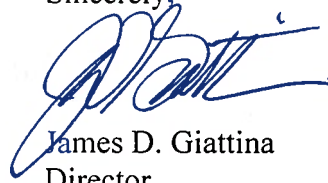
Dear Ms. Dean:

Pursuant to Section 309(a)(1) of the Clean Water Act, 33 U.S.C. § 1319(a)(1), the U. S. Environmental Protection Agency Region 4 has determined that the City of Phenix Department of Public Utilities is in violation of its National Pollutant Discharge Elimination System Permit No.: AL0022209 (Permit) for the City of Phenix Department of Public Utilities (City) and has violated, at a minimum, effluent requirements for the parameters summarized here: Ammonia Nitrogen, BOD₅ Carbonaceous, Total Thallium, Benzo, Benzidine and Toxicity Ceriodaphnia Dubia. The EPA is simultaneously notifying the City of these findings through the issuance of a Notice of Violation (NOV). A copy of the NOV to the City is enclosed for your convenience and record.

If the State of Alabama (State) commences appropriate action within 30 days of receipt of this letter to ensure that the City achieves expeditious compliance with its Permit, additional involvement by the EPA may not be required. However, if the State does not take such action, the EPA may then take the necessary steps to require the City to come into compliance. Please advise the EPA within 15 days of receipt of this letter of the action(s) you plan to take in this matter to ensure that the City achieves expeditious compliance with its Permit requirements. If a formal enforcement action is taken, please provide a copy of the applicable documents for our records.

If you have questions regarding this NOV, please contact Mr. Maurice Horsey, of my staff, at (404) 562-9764 or via e-mail at Horsey.Maurice@epa.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read "J. Giattina", with a stylized flourish extending to the right.

James D. Giattina

Director

Water Protection Division

Enclosure



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ATLANTA, GEORGIA 30303-8960

APR 10 2014

CERTIFIED MAIL 7012 1010 0002 0759 7073
RETURN RECEIPT REQUESTED

Mr. Roger A. Conner
Utilities Director
Phenix City Department of Public Utilities
1119 Broad Street
Phenix City, Alabama 36868

Re: Notice of Violation No.: 309-2014-06
Information Request pursuant to 308 of the Clean Water Act
National Pollutant Discharge Elimination System Permit No.: AL0022209
City of Phenix Department of Public Utilities

Dear Mr. Conner:

Pursuant to Section 309(a)(1) of the Clean Water Act (CWA), 33 U.S.C. §1319(a)(1), the U.S. Environmental Protection Agency Region 4 hereby notifies the City of Phenix that it has violated its National Pollutant Discharge Elimination System Permit No: AL0022209 (Permit) for the City of Phenix Department of Public Utilities (City). Specifically, the City has violated effluent requirements for the parameters and months summarized below:

<u>Parameter</u>	<u>Violation</u>	<u>Measurement</u>	<u>Limit</u>	<u>Outfall</u>	<u>Reporting Period</u>
Total Ammonia Nitrogen	Monthly Average	4.7 mg/L	4.0 mg/L	0011	05/31/2011
Total Ammonia Nitrogen	Monthly Average	5.416 mg/L	4.0 mg/L	0011	05/31/2012
Total Ammonia Nitrogen	Monthly Average	9.13 mg/L	6.0 mg/L	0011	08/31/2012
Total Ammonia Nitrogen	Daily Maximum	62.5 mg/L	4.0 mg/L	0011	07/31/2012
Total Ammonia Nitrogen	Monthly Average	623.8 lb/d	258 lb/d	0011	05/31/2013
Total Ammonia Nitrogen	Weekly Average	611.8lb/d	387 lb/d	0011	05/31/2013
Total Ammonia Nitrogen	Monthly Average	20.7 mg/L	4 mg/L	0011	05/31/2013
Total Ammonia Nitrogen	Weekly Average	20.5 mg/L	6 mg/L	0011	05/31/2013
Total Ammonia Nitrogen	Monthly Average	910.68 lb/d	258 lb/d	0011	06/30/2013
Total Ammonia Nitrogen	Weekly Average	910.68 lb/d	387 lb/d	0011	06/30/2013
Total Ammonia Nitrogen	Monthly Average	22.76 mg/L	4 mg/L	0011	06/30/2013
Total Ammonia Nitrogen	Weekly Average	22.76 mg/L	6 mg/L	0011	06/30/2013
Total Ammonia Nitrogen	Monthly Average	722.98 lb/d	258 lb/d	0011	07/31/2013
Total Ammonia Nitrogen	Weekly Average	679.51 lb/d	387 lb/d	0011	07/31/2013
Total Ammonia Nitrogen	Monthly Average	20.7 mg/L	16.8 mg/L	0011	07/31/2013
Total Ammonia Nitrogen	Weekly Average	20.5 mg/L	16.8 mg/L	0011	07/31/2013
Total Ammonia Nitrogen	Monthly Average	593.57 lb/d	258 lb/d	0011	08/31/2013
Total Ammonia Nitrogen	Weekly Average	610.46 lb/d	387 lb/d	0011	08/31/2013
Total Ammonia Nitrogen	Monthly Average	16.6 mg/L	4 mg/L	0011	08/31/2013

Parameter	Violation	Measurement	Limit	Outfall	Reporting Period
Total Ammonia Nitrogen	Weekly Average	17.01 mg/L	6 mg/L	0011	08/31/2013
Total Ammonia Nitrogen	Monthly Average	470.84 lb/d	258 lb/d	0011	09/30/2013
Total Ammonia Nitrogen	Weekly Average	445.69 lb/d	387 lb/d	0011	09/30/2013
Total Ammonia Nitrogen	Monthly Average	16.29 mg/L	4 mg/L	0011	09/30/2013
Total Ammonia Nitrogen	Weekly Average	15.77 mg/L	6 mg/L	0011	09/30/2013
Total Ammonia Nitrogen	Monthly Average	324.24 lb/d	258 lb/d	0011	10/31/2013
Total Ammonia Nitrogen	Weekly Average	13.5 mg/L	4 mg/L	0011	10/31/2013
Total Ammonia Nitrogen	Monthly Average	13.4 mg/L	6 mg/L	0011	10/31/2013
Total Ammonia Nitrogen	Monthly Average	305.49 lb/d	258 lb/d	0011	11/30/2013
Total Ammonia Nitrogen	Weekly Average	16.6 mg/L	4 mg/L	0011	11/30/2013
Total Ammonia Nitrogen	Monthly Average	16.75 mg/L	6 mg/L	0011	11/30/2013
BOD ₅ Carbonaceous	Monthly Average	20.9	19 mg/L	0011	06/30/2013
Total Thallium recoverable	Monthly Average	Incomplete DMR		0011	03/31/2012
Total Thallium recoverable	Daily Maximum	Incomplete DMR		0011	03/31/2012
Benzo[a]pyrene	Monthly Average	Incomplete DMR		0011	03/31/2012
Benzo[a]pyrene	Daily Maximum	Incomplete DMR		0011	03/31/2012
Benzo[a]anthracene	Monthly Average	Incomplete DMR		0011	03/31/2012
Benzo[a] anthracene	Daily Maximum	Incomplete DMR		0011	03/31/2012
Benzidine	Monthly Average	Incomplete DMR		0011	03/31/2012
Benzidine	Daily Maximum	Incomplete DMR		0011	03/31/2012
Toxicity Ceriodaphnia Dubia	Single Sample	1	0	001T	11/30/2011
Toxicity Ceriodaphnia Dubia	Single Sample	1	0	001T	11/30/2012
Toxicity Ceriodaphnia Dubia	Single Sample	Incomplete DMR		001T	08/31/2013
Toxicity Pimephales Promedes	Single Sample	1	0	001T	11/30/2011
Toxicity Pimephales Promedes	Single Sample	1	0	001T	11/30/2012
Toxicity Pimephales Promedes	Single Sample	Incomplete DMR		001T	08/31/2013

The EPA requests, pursuant to Section 308 of the CWA, 33 U.S.C. §1318, that the City provide a written explanation of the reasons for each of the aforementioned violations, and any other effluent violations that may have occurred from January 1, 2014, to the present, and provide a summary of actions taken or planned by the City to correct the problems and to prevent future violations. In instances where the actions are planned, please include a schedule for completing the actions.

All information submitted must be accompanied by the following certification signed by a responsible official:

“I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or

persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

Failure to comply with this information request may result in enforcement proceedings under Section 309 of the CWA, 33 U.S.C. § 1319, which could result in the judicial imposition of civil or criminal penalties or the administrative imposition of civil penalties. In addition, there is potential criminal liability for the falsification of any response to the requested information.

If you believe that any of the requested information constitutes confidential business information, you may assert a confidentiality claim with respect to such information except for effluent data. Further details, including how to make a business confidentiality claim, are found in Enclosure A.

The City must submit this information within 30 days of receipt of this correspondence. The submittal must be addressed to:

Mr. Namon Mathews
U.S. Environmental Protection Agency, Region 4
Clean Water Enforcement Branch
Atlanta Federal Center
61 Forsyth Street, S.W.
Atlanta, Georgia 30303-8960

The State of Alabama is being concurrently notified of these findings. The EPA is coordinating with the State to ensure that timely and appropriate enforcement action is taken and compliance with the conditions of the Permit is achieved.

If these violations are not resolved in a timely or appropriate manner, and/or the City fails to respond to the information request the EPA may take enforcement action, which may include issuance of an administrative order, assessment of administrative penalties or initiation of a civil judicial action pursuant to Section 309 of the CWA, 33 U.S.C. §1319.

If you have questions regarding this notice and information request, please contact Mr. Namon Mathews at (404) 562-9777 or via e-mail at mathews.namon@epa.gov.

Sincerely,



James D. Giattina
Director
Water Protection Division

Enclosures

cc: Ms. Glenda L. Dean
Alabama Department of Environmental Management

ENCLOSURE A

RIGHT TO ASSERT BUSINESS CONFIDENTIALITY CLAIMS **(40 C.F.R. Part 2)**

Except for effluent data, you may, if you desire, assert a business confidentiality claim as to any or all of the information that EPA is requesting from you. The EPA regulation relating to business confidentiality claims are found at 40 C.F.R. Part 2.

If you assert such a claim for the requested information, EPA will only disclose the information to the extent and under the procedures set out in the cited regulations. If no business confidentiality claim accompanies the information, EPA may make the information available to the public without any further notice to you.

40 C.F.R. §2.203(b). **Method and time of asserting business confidentiality claim.** A business which is submitting information to EPA may assert a business confidentiality claim covering the information by placing on (or attaching to) the information, at the time it is submitted to EPA, a cover sheet, stamped or typed legend, or other suitable form of notice employing language such as "trade secret," "proprietary," or "company confidential." Allegedly confidential portions of otherwise non-confidential documents should be clearly identified by the business, and may be submitted separately to facilitate identification and handling by EPA. If the business desires confidential treatment only until a certain date or until the occurrence of a certain event, the notice should so state.